



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

JAMES MUHAMMAD,
Plaintiff,

vs.

JUDGE TRACY CARROLL, OFFICER
HALL, BAILEY, and ALBERT
PIKES LODGE 263 & AFM 174,
Defendants.

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Civil Action No. 1:24-1971-MGL

**AMENDED ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND SUMMARILY DISMISSING THIS CASE WITHOUT PREJUDICE
AND WITHOUT FURTHER LEAVE FOR AMENDMENT**

Plaintiff James Muhammad (Muhammad), who is representing himself, filed this action against Defendants Judge Tracey Carroll, Officer Hall, Officer Bailey, and Albert Pikes Lodge 263 & AFM 274.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court summarily dismiss this case without prejudice and without further leave for amendment. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 8, 2024. Muhammad filed untimely objections on July 29, 2024; August 5, 2024; and September 9, 2024. The Court has reviewed the objections but holds them to be without merit. It will therefore enter judgment accordingly.

Here, Muhammad has failed to present any specific objections to the Report. Muhammad's objections amount to general disagreements with the Report's findings and merely repeat allegations the Magistrate Judge properly considered and addressed. To the extent Muhammad has brought any new arguments in his objections, they are conclusory and so lacking in merit as make any discussion unnecessary. Therefore, the Court will overrule Muhammad's objections.

Nonetheless, in an abundance of caution, the Court has reviewed the Report and the record de novo. Suffice it to say, the Court agrees with the Magistrate Judge's treatment of Muhammad's amended complaint in her Report.

Further, inasmuch as the Magistrate Judge warned Muhammad of the consequences of failing to file specific objections, Report at 6, he has waived appellate review. *See Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508–09 (6th Cir. 1991) (holding general objections are insufficient to preserve appellate review).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court overrules Muhammad's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court this case is summarily **DISMISSED WITHOUT PREJUDICE** and without further leave for amendment.

IT IS SO ORDERED.

Signed this 1st day of October 2024, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.